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3. Easements (§ 12 (1)*)—Construction against Grantor.—Such grant must be construed most strictly against the grantor.

[Ed. Note.—For other cases, see Easements, Cent. Dig. §§ 35-38; Dec. Dig. § 12 (1).* 4 Va.-W. Va. Enc. Dig. 865.]

Appeal from Law and Chancery Court of City of Norfolk.

Bill for injunction by Lelia C. Hithcings against Jacob Hostetter and others. Demurrer to bill overruled, and injunction granted, and defendants appeal. Pending hearing on the appeal, appellee died, and her heirs at law were substituted. Decree affirmed.

Old, Brockenbrough & Webster, of Norfolk, and *J. W. Denlinger*, for appellants.

Percy S. Stephenson, *Jas. G. Martin*, and *G. Tayloe Gwathmey*, all of Norfolk, for appellees.

ROLLER *v.* COOLEY et al.

June 8, 1916.

[89 S. E. 136.]

Taxation (§ 809 (2)*)—Tax Deed—Effect on Title.—A complaint, in suit to remove as a cloud a tax deed by the state given after delinquent tax sale under the act approved February 23, 1906 (Laws 1906, c. 52), from which it appears that the deed was duly recorded and that the taxes for which the land was sold to the state were chargeable on the land and had not been paid before the sale, is demurrable, although it also appears therefrom that after such deed by the state to defendant in 1910 the right to redeem was attempted to be exercised by plaintiff, and after the first sale of the land to the state for delinquent taxes in 1896 it was again sold or attempted to be sold to the state for delinquent taxes in 1903, and although defendant's deed does not contain the recitals required in a deed upon an original tax sale, since section 12 of the act provides that after due record of such deed the title "shall stand vested in the grantee in such deed, as it was vested in the party assessed with the taxes and levies thereon at the commencement of the year for which * * * it was sold, or any person claiming under such party, subject to be defeated only by proof that the taxes or levies for which said real estate was sold to the commonwealth, were not properly chargeable thereon, or that the taxes and levies properly chargeable on such real estate have been paid."

[Ed. Note.—For other cases, see Taxation, Cent. Dig. § 1601; Dec. Dig. § 809 (2).* 13 Va.-W. Va. Enc. Dig. 172.]

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

Appeal from Circuit Court, Rockingham County.

Suit by John E. Roller against O. B. Cooley and others. From a decree for defendants, complainant appeals. Affirmed.

Jno. E. Roller, of Harrisonburg, for appellant.

Chas. A. Hammer and *Sipe & Harris*, all of Harrisonburg, for appellees.

BRACEY *v.* COMMONWEALTH.

June 8, 1916.

[89 S. E. 144.]

1. Indictment and Information (§ 32 (3)*)—Requisites of Presentment for Misdemeanor—Against Peace and Dignity.—A presentment for a misdemeanor need not conclude "against the peace and dignity of the commonwealth," since it does not come under the constitutional requirement that "indictments shall conclude, against the peace and dignity of the commonwealth." Const. 1902, § 106 (Code 1904, p. ccxxxvi).

[Ed. Note.—For other cases, see Indictment and Information, Cent. Dig. § 125; Dec. Dig. § 32 (3).* 7 Va.-W. Va. Enc. Dig. 398.]

2. Criminal Law (§ 662 (4)*)—Trial—Reception of Evidence—Right to Confront Witnesses.—Const. 1902, § 8 (Code 1904, p. ccix), providing that "in all criminal prosecutions a man hath the right to be confronted with the accusers and witnesses," is not violated by Byrd Law, § 24 (Acts 1908, c. 189), providing that the certificate of the state chemist showing analysis of a mixture supposed to contain alcohol, when signed and sworn to by him, "shall be evidence in all prosecutions under the revenue laws."

[Ed. Note.—For other cases, see Criminal Law, Cent. Dig. § 1540; Dec. Dig. § 662 (4).* 3 Va.-W. Va. Enc. Dig. 197.]

3. Criminal Law (§ 429 (1)*)—Evidence—Documentary—Official Certificate.—Where a statute authorizes a public officer to make a certificate of acts within the scope of his official duty, such certificate is receivable under the documentary evidence rule as an exception to the hearsay rule.

[Ed. Note.—For other cases, see Criminal Law, Cent. Dig. § 1018; Dec. Dig. § 429 (1).* 4 Va.-W. Va. Enc. Dig. 757.]

4. Intoxicating Liquors (§ 131*)—Selling without License—Intention.—The belief of one accused of selling ardent spirits without a license as to the character of the beverage sold, or his intention to violate the law, is not material in determining his guilt.

[Ed. Note.—For other cases, see Intoxicating Liquors, Cent. Dig. §§ 140, 161; Dec. Dig. § 131.* 8 Va.-W. Va. Enc. Dig. 16.]

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.